

Staff Report

ZONING ORDINANCE AMENDMENT – SECTIONS 12.1 – (PURPOSE), 12.4 – (APPROVAL OF USES AND DEVELOPMENT), 12.9 – (AMENDMENT OF DETAILED DEVELOPMENT PLAN), 12.10 – (DEVELOPMENT SCHEDULE), AND 12.12 – (ADMINISTRATIVE APPROVALS OF AMENDMENTS TO DETAILED DEVELOPMENT PLANS) TO MODIFY REQUIRED FINDINGS FOR ADMINISTRATIVE REVIEW OF DETAILED DEVELOPMENT PLAN AMENDMENTS IN PLANNED DEVELOPMENT (PD) ZONES

Honorable Mayor and Council Members:

Summary

On April 20, 2010, by a vote of 6 to 0 (one Commissioner absent), the Planning Commission adopted a resolution recommending amendments to Sections *12.1 – Purpose*, *12.4 – Approval of Uses and Development*, *12.9 – Amendment of Detailed Development Plan*, *12.10 – Development Schedule*, and *12.12 – Administrative Approvals of Amendments to Detailed Development Plans* of the Belmont Zoning Code (BZO) to the City Council.

The Planning Commission reviewed the matter and provided feedback to staff at their February 16th, March 2nd, and March 16th Planning Commission meetings before taking action on the amendments at their April 20th 2010 meeting.

Section 12.12 is a key component of the BZO as staff routinely reviews and processes Administrative Conditional Use Permits for small-scale additions within residentially designated PD districts. Non-Residential Planned Developments are subject to the regular Conditional Use Permit/Design Review application process when an amendment is sought to the specific Detailed Development Plan (DDP) for the subject PD irrespective of the size of requested addition.

The Planning Commission has reviewed a number of projects (both minor and significant) within the last 10 years for PD Districts. In short, the PD regulations are routinely consulted, reviewed, and assessed in the development process for the City.

As discussed above, the Planning Commission and staff assessed the specific criteria/findings associated with Section 12.12.C (*Director of Community Development Review and Findings Required*) and recommended text amendments (described on Pages 2-5 of this report)

The Commission has also recommended text amendments to Sections: 12.1 – *Purpose*, 12.4 – *Approval of Uses and Development*, 12.9 – *Amendment of Detailed Development Plan* and 12.10 – *Development Schedule* to create consistency, and improve/streamline the use & application of this section for minor additions within the Planned Development District.

No members of the public were in attendance at the four Commission meetings (2/16/10, 3/2/10, 3/16/10, and 4/20/10); no other public comments have been received for this item as of the writing of this report.

In summary, the Planning Commission believes the recommended text edits will clarify how the City addresses administrative review of minor additions within all Planned Development (PD) Districts. Recommended text amendments to address these issues follow below.

Staff recommends the Council introduce the Zoning Code Amendments as presented in Attachment I. A copy of the April 20, 2010 staff report and meeting minutes is also attached to this report (See Attachment II). A public hearing has been noticed for this item.

Discussion

Zone Text Amendments

The April 20, 2010 Planning Commission recommended Zoning Code Amendments to the City Council for introduction and adoption are as follows (new text is denoted in bold *italics*, and text to be deleted is denoted in ~~strikeout~~):

1. Section 12.1 - Purpose:

This district is designed to accommodate various types of development, such as single-family residential developments, multiple housing developments, neighborhood and community shopping centers, *mixed-use developments*, professional and administrative areas, commercial service centers, ~~and~~ industrial parks, and other uses or a combination of uses which can be made appropriately a part of a Planned Unit Development. The district is established to allow flexibility of design, ~~which is~~ in accordance with the objectives and spirit of the General Plan. This District also provides for ~~a~~ ***Administrative Amendments to Detailed Development Plan Approvals*** by the Director of Community Development for *minor* additions/~~projects to residential (not including mixed residential/commercial) structures~~ provided the findings in Section 12.12 can be made ~~into~~ the affirmative.

2. Excerpt from Section 12.4 – Approval of Uses and Development:

A Conditional Use Permit shall be ~~provided~~ ***required*** for any and all uses, ***projects, and/or additions*** in a PD District ***that require Planning Commission approval*** ~~and~~. Design Review shall be required for any and all improvements, as determined below:

3. Section 12.9 – Amendment of Detailed Development Plan:

~~Amendments to Changes in~~ any Detailed Development Plan shall be treated as ~~amendments~~ **changes** to the CUP and Design Review and considered per Section 12.4. **Minor additions/projects may be approved administratively by the Director of Community Development as provided for in Section 12.12 of this Ordinance.**

4. Section 12.10 – Development Schedule:

An application for a Use Permit in a PD District shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of ~~all facets of the entire~~ project can be expected to begin, the anticipated rate of development, and **projected** completion date. The development schedule, if approved by the Planning Commission, shall become a part of the Detailed Development Plan and shall be adhered to by the owner of the property in the PD District, and his successors in interest. **All projects/developments shall comply with the City's Construction Time Limit Regulations – Municipal Code Chapter 7 - Buildings, Article 14 – Time Limits for Completion of Construction.**

5. Section 12.12 – Administrative Approvals of Amendments to Detailed Development Plans:

A. PURPOSE – The purpose of this section is to provide for streamlined review and approval of ~~Administrative Conditional Use Permits~~ **Amendments to Detailed Development Plans (AADDP)** for minor building additions/~~projects to residential structures~~ in the PD District as determined by the Director of Community Development.

B. APPLICATION AND FEE – Plans, a completed application, and a fee are required for an ~~AADDP administrative conditional use permit~~. **In order to fully evaluate the proposed project,** ~~Other data may be requested by the Director of Community Development. as determined necessary in order to fully evaluate the proposed project.~~

C. DIRECTOR OF COMMUNITY DEVELOPMENT REVIEW AND FINDINGS REQUIRED – The Director of Community Development may administratively review and approve building additions/~~projects to residential structures~~ in the PD District provided that the following ~~criteria~~ **findings** are met:

1. **For Single Family Residential Planned Developments:**

- the proposed addition does not bring the total floor area on the site in excess of 3,500 square feet.
- **the addition contains no more than 200 square feet at the ground floor only.**

2. *For all Multi-Family Residential Planned Developments (including Mixed Use Residential/Commercial) - the addition contains no more than 100 square feet at the ground floor only.*
3. *For all Non-Residential Planned Developments - the addition does not exceed 200 square feet, and does not exceed the total floor area permitted under the approved Conceptual Development Plan for the subject property.*
4. *For all Residential Planned Developments (including Mixed Use Residential/Commercial) - the addition shall not result in the removal of any protected trees or require excessive grading as described below:*
 - *50 or more cubic yards of combined cut/fill, or*
 - *500 or more square feet of disturbed site area*
5. *For all Non-Residential Planned Developments - the addition would not result in the removal of any protected trees or require excessive grading as described below:*
 - *100 or more cubic yards of combined cut/fill, or*
 - *1,000 or more square feet of disturbed site area*
6. *For all Residential Planned Developments (including Mixed Use Residential/Commercial):*
 - *No Administrative Amendment for the dwelling/unit for an addition has previously been approved and built on the subject property.*
 - *Any Administrative Amendment previously approved for an addition which has not yet been built, will be null and void upon approval of the current request.*
7. *The site can reasonably accommodate the proposed addition, the project will not exceed approved Conceptual and Detailed Development Plan standards, and the project is consistent with setback, height, open space, wall/fence, parking/loading facilities, building materials, landscaping, and such other provisions required by the subject Planned Development Ordinance.*
8. ~~*The proposed use will not be detrimental to the public health, safety, or welfare.*~~ *The proposed addition will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.*

9. The proposed addition is compatible with the structure and structures in the general neighborhood, **and will minimize disruptions of existing public views.**~~and will not block any neighbor views of the surrounding area.~~

10. No other Planning Commission entitlements are required.

D. NOTICE OF ADMINISTRATIVE DECISION AND REQUEST FOR PUBLIC HEARING PROCEDURE – The following procedures shall apply when the Director of Community Development takes action on an ~~a~~Administrative ***Amendment to a Detailed Development Plan (AADDP)*** ~~use permit~~:

1. ~~A~~ Notice of the intent to approve the ~~conditional use permit~~ ***AADDP*** and stating the opportunity to file a written appeal shall be sent to the City Council, Planning Commission and the applicant and property owners ~~within a the~~ distance of 300 feet from the exterior boundaries of the subject property via U.S. mail at least 10 days prior to such action. Notice to the Council and Commission may be provided by e-mail.
2. The notice shall provide ~~for~~ an opportunity to file a written request for a public hearing. Upon receipt of a request for a public hearing, the application shall be set for ~~a~~ hearing by the Planning Commission.
3. The Director of Community Development may refer an application for ~~an~~ ~~a~~Administrative ***Amendment to a Detailed Development Plan*** ~~conditional use permit~~ to the Planning Commission upon determination that the request does not meet the administrative standards.

E. EFFECT – The ***AADDP approval*** ~~use permit~~ shall become effective following the 10 day notification period pursuant to 12.12~~BD~~ unless a public hearing is requested. Decisions of the Director of Community Development may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the City Council. Should the item be referred to the Commission by the Director of Community Development, the applicant shall apply for and comply with the ~~C~~conditional ~~Use Permit~~ ***and Design Review*** process for Commission review which includes paying the application fee.

F. ***REVOCATION RENOVAION*** – An ***AADDP approval*** ~~conditional use permit~~ shall be deemed null and void upon a finding by the Planning Commission that the property for which such ~~exception~~ ***entitlement/approval*** has been granted is in violation of any application provisions of this Ordinance, or that there has been failure to comply with any condition or conditions imposed in the granting of ~~a the~~ ***administrative amendment*** ~~conditional use permit~~.

Required Finding – Zoning Code Amendments

The only required finding for a Zoning Ordinance amendment is that it must “...achieve the objectives of the Zoning Plan and the General Plan for the City” (Section 16.5). Staff notes that there is no Zoning Plan, per se; however, the Zoning Ordinance contains a purpose statement (Section 1.1) that represents the objectives of the City’s zoning regulations:

1.1 PURPOSE – The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.

Certain objectives of the Belmont General Plan are contained in its “General Community Goals and Policies”, several of which (listed below) are affected by this proposal. As noted above, the Council must determine that they are achieved by the proposed amendment language.

GENERAL PLAN COMMUNITY GOALS AND POLICIES

Goal 1015.2

“To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods”.

Goal 1015.4

“To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.”

Policy 1016.1

“New development should be of a scale and character compatible with surrounding land uses and Belmont’s small city environment.”

Policy 1016.2

“Intensity of use of land as measured by such factors as parcel size, population density, building coverage, extent of impervious surfaces, public service requirements, parking requirements, and traffic movements should be based on the following general principles:

- a. Intensity of land use should decrease as steepness of terrain and distance from major thoroughfares increase.*
- b. The lowest intensities of use should occur on the steep hillsides to limit storm runoff, prevent increased erosion, avoid unstable slopes, protect vegetation and watersheds and maintain scenic qualities.*
- c. Intensity of use of individual parcels and buildings should be governed by considerations of existing development patterns, water and air quality, accessibility, traffic generation, parking, noise, fire safety, drainage, natural hazards, resource conservation and aesthetics.*
- d. Intensity of land use should be regulated according to the availability of community facilities and services.”*

The Planning Commission believes the proposed text revisions achieve these goals and policies. Furthermore, the Planning Commission believes the aforementioned modifications to Sections 12.1, 12.4, 12.9, 12.10, and 12.12 clarify planned development requirements by:

- Providing clear direction to the applicant at the project design stage
- Streamlining the review process for minor additions/projects in these planned development zoning districts
- Allowing opportunities for appropriately dimensioned/sized planned development zoned properties to incorporate minor additions/projects for their respective sites

The Planning Commission believes that a revision to the administrative amendment process for detailed development plans removes uncertainty in determining thresholds for review, submittal requirements, and associated findings.

The recommended text amendments also provide for site- and case-specific review of issues raised in the General Community Goals and Policies cited above related to:

- safe and efficient movement of goods and people
- location, timing, and design of new development
- compatibility, scale, and character of development
- intensity of property use

By establishing more current and comprehensive property/development standards for PD-zoned properties, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. The Planning Commission further believes the draft amendment language would assist in streamlining the development review process while also maintaining local control over the size, scope, and character of planned development zoned property. The proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city.

Environmental Clearance (CEQA)

The proposed Zone Text Amendments are subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). Based on the proposed amendments and associated administrative review that would be placed over planned developments, the Planning Commission has concluded that the proposed project would be Categorical Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

Fiscal Impact

None at this time.

Public Contact

1. The City placed a public notice display ad in the Examiner – Redwood City Tribune (local newspaper of general circulation) as per Section 16.4.1 (Amendments) of the BZO on May 27, 2010, for the scheduled public hearing by the City Council on June 8, 2010.
2. This matter was placed on the agenda and posted as required by the California Government Code.

Conclusion/Recommendation

Based on the action taken at their April 20, 2010 meeting, the Planning Commission has concluded that the aforementioned amendments to Zoning Ordinance Sections *12.1 – Purpose*, *12.4 – Approval of Uses and Development*, *12.9 – Amendment of Detailed Development Plan*, *12.10 – Development Schedule*, and *12.12 - Administrative Approvals of Amendments to Detailed Development Plans* as discussed in this staff report achieves the objectives of the Zoning Plan and General Plan for the City. A Resolution recommending this position to the City Council is attached for Council consideration.

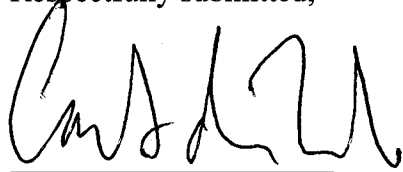
Alternatives

1. Table the Zoning Code Amendments at this time.
2. Disapprove the Zoning Code Amendments.
3. Refer back to staff for additional information.

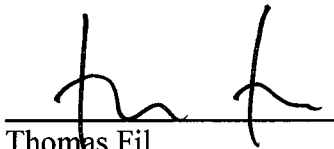
Attachments

- I. Draft City Council Ordinance introducing Zone Text Amendments (First Reading)
- II. April 20, 2010 Planning Commission Staff Report, Meeting Minutes, and Adopted Planning Commission Resolution recommending Council Adoption of Zoning Code Amendments
- III. February 16th, March 2nd, and March 16th 2010 Planning Commission Meeting Minutes

Respectfully submitted,



Carlos de Melo
Community Development Director



Thomas Fil
Acting City Manager

Staff Contact:

Carlos de Melo, Community Development Director
(650) 595-7440
cdemelo@belmont.gov

ATTACHMENT I

Draft Ordinance

ORDINANCE AMENDING SECTIONS 12.1 – (PURPOSE),
12.4 – (APPROVAL OF USES AND DEVELOPMENT), 12.9 – (AMENDMENT OF
DETAILED DEVELOPMENT PLAN), 12.10 – (DEVELOPMENT SCHEDULE), AND 12.12 –
(ADMINISTRATIVE APPROVALS OF AMENDMENTS TO DETAILED DEVELOPMENT
PLANS) OF BELMONT ZONING ORDINANCE NUMBER 360

WHEREAS, on April 20, 2010, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on amendments to Sections 12.1 – (Purpose), 12.4 – (Approval of Uses and Development), 12.9 – (Amendment of Detailed Development Plan), 12.10 – (Development Schedule), and 12.12 – (Administrative Approvals of Amendments to Detailed Development Plans) of the Belmont Zoning Ordinance; and,

WHEREAS, on June 8, 2010, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned Zoning Code amendments; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth; and,

WHEREAS, the City Council hereby adopts the staff report (dated June 8, 2010) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – *Actions of Regulatory Agencies for the Protection of the Environment*; and,

WHEREAS, the City Council after consideration of all testimony and reports hereby determines that the proposed amendments to Sections 12.1 – (Purpose), 12.4 – (Approval of Uses and Development), 12.9 – (Amendment of Detailed Development Plan), 12.10 – (Development Schedule), and 12.12 – (Administrative Approvals of Amendments to Detailed Development Plans) of the Belmont Zoning Code achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive property/development standards for PD-zoned properties, and support protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the General Community Goals and Policies of the General Plan.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 12.1 (Purpose) of the Belmont Zoning Code be hereby amended to read as follows:

Section 12.1 - Purpose:

This district is designed to accommodate various types of development, such as single-family residential developments, multiple housing developments, neighborhood and community shopping centers, mixed-use developments, professional and administrative areas, commercial service centers, industrial parks, and other uses or a combination of uses which can be made appropriately a part of a Planned Unit Development. The district is

established to allow flexibility of design, in accordance with the objectives and spirit of the General Plan. This District also provides for Administrative Amendments to Detailed Development Plan Approvals by the Director of Community Development for minor additions/projects provided the findings in Section 12.12 can be made in the affirmative.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of the City of Belmont that an excerpt of Section 12.4 (Approval of Uses and Development) of the Belmont Zoning Code be hereby amended to read as follows:

Excerpt from Section 12.4 – Approval of Uses and Development:

A Conditional Use Permit shall be provided for any and all uses, projects, and/or additions in a PD District that require Planning Commission approval. Design Review shall be required for any and all improvements, as determined below:

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 12.9 (Amendment of Detailed Development Plan) of the Belmont Zoning Code be hereby amended to read as follows:

Section 12.9 – Amendment of Detailed Development Plan:

Amendments to any Detailed Development Plan shall be treated as changes to the CUP and Design Review and considered per Section 12.4. Minor additions/projects may be approved administratively by the Director of Community Development as provided for in Section 12.12 of this Ordinance.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 12.10 (Development Schedule) of the Belmont Zoning Code be hereby amended to read as follows:

Section 12.10 – Development Schedule

An application for a Use Permit in a PD District shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of the project can be expected to begin, the anticipated rate of development, and projected completion date. The development schedule, if approved by the Planning Commission, shall become a part of the Detailed Development Plan and shall be adhered to by the owner of the property in the PD District, and his successors in interest. All projects/developments shall comply with the City's Construction Time Limit Regulations – Municipal Code Chapter 7 - Buildings, Article 14 – Time Limits for Completion of Construction.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 12.12 (Administrative Approvals of Amendments to Detailed Development Plans) of the Belmont Zoning Code be hereby amended to read as follows:

Section 12.10 – Administrative Approvals of Amendments to Detailed Development Plans

- A. PURPOSE – The purpose of this section is to provide for streamlined review and approval of Administrative Amendments to Detailed Development Plans (AADDP)

for minor building additions/projects in the PD District as determined by the Director of Community Development.

- B. APPLICATION AND FEE – Plans, a completed application, and a fee are required for an AADDP. In order to fully evaluate the proposed project, other data may be requested by the Director of Community Development.
- C. DIRECTOR OF COMMUNITY DEVELOPMENT REVIEW AND FINDINGS REQUIRED – The Director of Community Development may administratively review and approve building additions/projects in the PD District provided that the following findings are met:
1. For Single Family Residential Planned Developments:
 - the proposed addition does not bring the total floor area on the site in excess of 3,500 square feet.
 - the addition contains no more than 200 square feet at the ground floor only.
 2. For all Multi-Family Residential Planned Developments (including Mixed Use Residential/Commercial) - the addition contains no more than 100 square feet at the ground floor only.
 3. For all Non-Residential Planned Developments - the addition does not exceed 200 square feet, and does not exceed the total floor area permitted under the approved Conceptual Development Plan for the subject property.
 4. For all Residential Planned Developments (including Mixed Use Residential/Commercial) - the addition shall not result in the removal of any protected trees or require excessive grading as described below:
 - 50 or more cubic yards of combined cut/fill, or
 - 500 or more square feet of disturbed site area
 5. For all Non-Residential Planned Developments - the addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 100 or more cubic yards of combined cut/fill, or
 - 1,000 or more square feet of disturbed site area
 6. For all Residential Planned Developments (including Mixed Use Residential/Commercial):
 - No Administrative Amendment for the dwelling/unit for an addition has previously been approved and built on the subject property.

- Any Administrative Amendment previously approved for an addition which has not yet been built, will be null and void upon approval of the current request.
7. The site can reasonably accommodate the proposed addition, the project will not exceed approved Conceptual and Detailed Development Plan standards, and the project is consistent with setback, height, open space, wall/fence, parking/loading facilities, building materials, landscaping, and such other provisions required by the subject Planned Development.
 8. The proposed addition will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.
 9. The proposed addition is compatible with the structure and structures in the general neighborhood, and will minimize disruptions of existing public views.
 10. No other Planning Commission entitlements are required.

D. NOTICE OF ADMINISTRATIVE DECISION AND REQUEST FOR PUBLIC HEARING PROCEDURE – The following procedures shall apply when the Director of Community Development takes action on an Administrative Amendment to a Detailed Development Plan (AADDP):

1. A notice of the intent to approve the AADDP stating the opportunity to file a written appeal shall be sent to the City Council, Planning Commission and the applicant and property owners within a distance of 300 feet from the exterior boundaries of the subject property via U.S. mail at least 10 days prior to such action. Notice to the Council and Commission may be provided by e-mail.
2. The notice shall provide an opportunity to file a written request for a public hearing. Upon receipt of a request for a public hearing, the application shall be set for a hearing by the Planning Commission.
3. The Director of Community Development may refer an application for an Administrative Amendment to a Detailed Development Plan to the Planning Commission upon determination that the request does not meet the administrative standards.

E. EFFECT – The AADDP approval shall become effective following the 10 day notification period pursuant to 12.12D unless a public hearing is requested. Decisions of the Director of Community Development may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the City Council. Should the item be referred to the Commission by the Director of Community Development, the applicant shall apply for and comply with the Conditional Use Permit and Design Review process for Commission review which includes paying the application fee.

- F. **REVOCATION** – An AADDP approval shall be deemed null and void upon a finding by the Planning Commission that the property for which such entitlement/approval has been granted is in violation of any application provisions of this Ordinance, or that there has been failure to comply with any condition or conditions imposed in the granting of the administrative amendment.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2010.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2010.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

ATTACHMENT II

April 20, 2010 Planning Commission Staff Report, Meeting Minutes,
and Adopted Planning Commission Resolution

MEETING OF APRIL 20, 2010

AGENDA ITEM: 5B



Application No.: PA 2010-0012

Application Type: Amendment of Zoning Ordinance:
Sections 12.1 – Purpose, 12.4 – Approval of Uses and Development, 12.9 – Amendment of Detailed Development Plan, 12.10 – Development Schedule, and 12.12 - Administrative Approvals of Amendments to Detailed Development Plans to modify required findings for administrative review of Detailed Development Plan Amendments in Planned Development (PD) Zones.

Location: Planned Development Zoning Districts City-wide
Applicant: City of Belmont
Environmental: Categorical Exemption per CEQA Section 15308 - Actions of
Determination: Regulatory Agencies for the Protection of the Environment

Summary/Background

As discussed at the February 16th, March 2nd, and March 16th 2010 Planning Commission meetings, the Commission provided feedback to staff regarding Belmont Zoning Ordinance (BZO) section 12.12 (*Administrative Approvals of Amendments to Detailed Development Plans*).

Section 12.12 is a key component of the BZO as staff routinely reviews and processes Administrative Conditional Use Permits for small-scale additions within residentially designated PD districts. Non-Residential Planned Developments are subject to the regular Conditional Use Permit/Design Review application process when an amendment is sought to the specific Detailed Development Plan (DDP) for the subject PD irrespective of the size of requested addition. The Planning Commission has reviewed a number of projects (both minor and significant) within the last 10 years for PD Districts. In short, the PD regulations are routinely consulted, reviewed, and assessed in the development process for the City.

Staff has made text modifications to the specific criteria/findings associated with section 12.12 (*Director of Community Development Review and Findings Required*), consistent with Commission direction provided at these three meetings.

Staff has also provided text amendments to Sections: 12.1 – *Purpose*, 12.4 – *Approval of Uses and Development*, 12.9 – *Amendment of Detailed Development Plan* and 12.10 – *Development Schedule* to create consistency, and improve/streamline the use & application of this section for minor additions within the Planned Development District.

No members of the public were in attendance at the three earlier Commission meetings (2/16/10, 3/2/10, and 3/16/10); no other public comments have been received for this item as of the writing of this report.

In summary, staff believes the recommended text edits will clarify how the City addresses administrative review of minor additions within all Planned Development (PD) Districts. Recommended text amendments to address these issues follow below.

A public hearing has been noticed for this item and staff recommends the Commission conduct the public hearing and provide recommendations to the City Council on the draft ordinance.

Zone Text Amendment

Staff recommends the Commission forward to the City Council the following amendments to Belmont Zoning Ordinance Section 12 (new text is denoted in ***bold italics***, and text to be deleted is denoted in ~~strikeout~~):

1. Section 12.1 - Purpose:

This district is designed to accommodate various types of development, such as single-family residential developments, multiple housing developments, neighborhood and community shopping centers, ***mixed-use developments***, professional and administrative areas, commercial service centers, ~~and~~ industrial parks, and other uses or a combination of uses which can be made appropriately a part of a Planned Unit Development. The district is established to allow flexibility of design, which is in accordance with the objectives and spirit of the General Plan. This District also provides for administrative ***amendments to Detailed Development Plan approvals*** by the Director of Community Development for ***minor additions/projects to*** ~~residential (not including mixed residential/commercial) structures~~ provided the findings in Section 12.12 can be made into the affirmative.

2. Excerpt from Section 12.4 – Approval of Uses and Development:

A Conditional Use Permit shall be ***provided*** ~~required~~ for any and all uses, ***projects, and/or additions*** in a PD District ***that require Planning Commission approval*** ~~and~~. Design Review shall be required for any and all improvements, as determined below:

3. Section 12.9 – Amendment of Detailed Development Plan:

Amendments to ~~Changes in~~ any Detailed Development Plan shall be treated as amendments to the CUP and Design Review and considered per Section 12.4. ***Minor additions/projects may be approved administratively by the Director of Community Development as provided for in Section 12.12 of this Ordinance.***

4. Section 12.10 – Development Schedule:

An application for a Use Permit in a PD District shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of all facets of the entire project can be expected to begin, the anticipated rate of development, and completion date. The development schedule, if approved by the Planning Commission, shall become a part of the Detailed Development Plan and shall be adhered to by the owner of the property in the PD District, and his successors in interest. ***All projects/developments shall comply with the City's Construction Time Limit Ordinance.***

5. Section 12.12 – Administrative Approvals of Amendments to Detailed Development Plans:

- A. PURPOSE – The purpose of this section is to provide for streamlined review and approval of ~~Administrative Conditional Use Permits~~ ***Amendments to Detailed Development Plans (AADDP)*** for minor building additions/~~projects to residential structures~~ in the PD District as determined by the Director of Community Development.
- B. APPLICATION AND FEE – Plans, a completed application, and a fee are required for an ~~AADDP administrative conditional use permit~~. Other data may be requested by the Director of Community Development as determined necessary in order to fully evaluate the proposed project.
- C. DIRECTOR OF COMMUNITY DEVELOPMENT REVIEW AND FINDINGS REQUIRED – The Director of Community Development may administratively review and approve building additions/projects ~~to residential structures~~ in the PD District provided that the following ~~criteria~~ ***findings*** are met:
1. ***For Single Family Residential Planned Developments*** - the proposed addition does not bring the total floor area on the site in excess of 3,500 square feet.
 2. ***For Single Family Residential Planned Developments - the addition contains no more than 200 square feet at the ground floor only.***
 3. ***For all Multi-Family Residential Planned Developments (Including Mixed Use Residential/Commercial) - the addition contains no more than 100 square feet at the ground floor only.***
 4. ***For all Non-Residential Planned Developments - the addition does not exceed 200 square feet, and does not exceed the total floor area permitted under the approved Conceptual Development Plan for the subject property.***
 5. ***For all Residential Planned Developments (Including Mixed Use Residential/Commercial) - the addition would not result in the removal of any protected trees or require excessive grading as described below:***

- *50 or more cubic yards of combined cut/fill, or*
 - *500 or more square feet of disturbed site area*
6. *For all Non-Residential Planned Developments - the addition would not result in the removal of any protected trees or require excessive grading as described below:*
- *100 or more cubic yards of combined cut/fill, or*
 - *1,000 or more square feet of disturbed site area*
7. *For all Residential Planned Developments (Including Mixed Use Residential/Commercial):*
- *No Administrative Amendment for the dwelling/unit for an addition has previously been approved and built on the subject property.*
 - *Any Administrative Amendment previously approved for an addition which has not yet been built, will be null and void upon approval of the current request.*
8. *The site can reasonably accommodate the proposed addition, the project will not exceed approved Conceptual & Detailed Development Plan standards, and the project is consistent with setback, height, open space, wall/fence, parking/loading facilities, building materials, landscaping, and such other provisions required by the subject Planned Development this Ordinance.*
9. ~~The proposed use will not be detrimental to the public health, safety, or welfare.~~
The proposed addition will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.
10. The proposed addition is compatible with the structure and structures in the general neighborhood, *and will minimize disruptions of existing public views.*~~and will not block any neighbor views of the surrounding area.~~
11. No other Planning Commission entitlements are required.
- D. NOTICE OF ADMINISTRATIVE DECISION AND REQUEST FOR PUBLIC HEARING PROCEDURE – The following procedures shall apply when the Director of Community Development takes action on an administrative *amendment to a detailed development plan* ~~use permit~~:
1. Notice of the intent to approve the conditional use permit and stating the opportunity to file a written appeal shall be sent to the City Council, Planning Commission and the applicant and property owners ~~within a the distance of~~ 300 feet from the exterior boundaries of the subject property via U.S. mail at

least 10 days prior to such action. Notice to the Council and Commission may be provided by e-mail.

2. The notice shall provide for an opportunity to file a written request for a public hearing. Upon receipt of a request for a public hearing, the application shall be set for hearing by the Planning Commission.
 3. The Director of Community Development may refer an application for *an administrative amendment to a detailed development plan* ~~conditional use permit~~ to the Planning Commission upon determination that the request does not meet the administrative standards.
- E. EFFECT – The *administrative amendment approval* ~~use permit~~ shall become effective following the 10 day notification period pursuant to 12.12 ~~BD~~ unless a public hearing is requested. Decisions of the Director of Community Development may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the City Council. Should the item be referred to the Commission by the Director of Community Development, the applicant shall apply for and comply with the *Conditional Use Permit & Design Review* process for Commission review which includes paying the application fee.
- F. ~~REVOCATION RENOVAION~~ – An *administrative amendment approval* ~~conditional use permit~~ shall be deemed null and void upon a finding by the Planning Commission that the property for which such exception has been granted is in violation of any application provisions of this Ordinance, or that there has been failure to comply with any condition or conditions imposed in the granting of ~~a~~ *the administrative amendment* ~~conditional use permit~~.

Required Findings – Zoning Code Amendments

The only required finding for a Zoning Ordinance amendment is that it must “...achieve the objectives of the Zoning Plan and the General Plan for the City” (Section 16.5). Staff notes that there is no Zoning Plan, per se; however, the Zoning Ordinance contains a purpose statement (Section 1.1) that represents the objectives of the City’s zoning regulations:

- 1.1 PURPOSE – The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.*

The objectives of the Belmont General Plan are contained in its “General Community Goals and Policies”, several of which (listed below) are affected by this proposal. As noted above, the Commission must determine that they are achieved by the proposed amendment language.

GENERAL COMMUNITY GOALS AND POLICIES

Goal 1015.2

"To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods".

Goal 1015.4

"To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas."

Policy 1016.1

"New development should be of a scale and character compatible with surrounding land uses and Belmont's small city environment."

Policy 1016.2

"Intensity of use of land as measured by such factors as parcel size, population density, building coverage, extent of impervious surfaces, public service requirements, parking requirements, and traffic movements should be based on the following general principles:

- a. Intensity of land use should decrease as steepness of terrain and distance from major thoroughfares increase.*
- b. The lowest intensities of use should occur on the steep hillsides to limit storm runoff, prevent increased erosion, avoid unstable slopes, protect vegetation and watersheds and maintain scenic qualities.*
- c. Intensity of use of individual parcels and buildings should be governed by considerations of existing development patterns, water and air quality, accessibility, traffic generation, parking, noise, fire safety, drainage, natural hazards, resource conservation and aesthetics.*
- d. Intensity of land use should be regulated according to the availability of community facilities and services."*

Staff believes the proposed text revisions achieve these goals and policies. Staff believes the aforementioned modifications to Sections 12.1, 12.4, 12.9, 12.10, and 12.12 clarify planned development requirements by:

- Providing clear direction to the applicant at the project design stage
- Streamlining the review process for minor additions/projects in these planned development zoning districts
- Allowing opportunities for appropriately dimensioned/sized planned development zoned properties to incorporate minor additions/projects for their respective sites

Staff believes that a revision to the administrative amendment process for detailed development plans removes uncertainty in determining thresholds for review, submittal requirements, and associated findings.

The recommended text amendments also provide for site- and case-specific review of issues raised in the General Community Goals and Policies cited above related to:

- safe and efficient movement of goods and people
- location, timing, and design of new development
- compatibility, scale, and character of development
- intensity of property use

By establishing more current and comprehensive property/development standards for PD-zoned properties, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. Staff further believes the draft amendment language would assist in streamlining the development review process while also maintaining local control over the size, scope, and character of planned development zoned property. The proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city.

Public Notice

The City placed a public notice display ad in the San Mateo Time (local newspaper of general circulation) as per Section 16.4.1 (Amendments) of the BZO on April 10, 2010, for the scheduled public hearing by the Planning Commission on April 20, 2010.

Environmental Clearance (CEQA)

The proposed Zone Text Amendments are subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). Based on the proposed amendments and associated administrative review that would be placed over planned developments, staff has concluded that the proposed project would be Categorically Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

Conclusion

Based on this analysis, staff has concluded that the aforementioned amendments to BZO *Sections 12.1 – Purpose, 12.4 – Approval of Uses and Development, 12.9 – Amendment of Detailed Development Plan, 12.10 – Development Schedule and 12.12 – Administrative Approvals of Amendments to Detailed Development Plans* as discussed in this staff report, achieves the objectives of the Zoning Plan and General Plan for the City. A resolution recommending this position to the City Council is attached for Commission review and adoption.

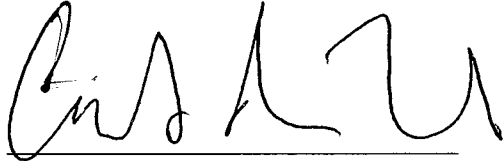
Alternative

The Commission may wish to discuss this matter further and continue to a future meeting date.

Attachments

- I. Planning Commission Resolution recommending City Council approval of Zone Text Amendments – Sections 12.1, 12.4, 12.9, 12.10, and 12.12

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carlos de Melo', written over a horizontal line.

Carlos de Melo

Community Development Director

AP Gill summarized the Staff Report, recommending approval of the Floor Area Exception subject to the attached Resolution and Conditions of Approval.

The Commission had no questions for staff.

MOTION: By Commissioner Horton, seconded by Commissioner Mathewson, to open the Public Hearing. Motion passed 6/0/1 by a show of hands, with Commissioner Mercer absent.

No one came forward to speak.

MOTION: By Vice Chair Reed, seconded by Commissioner Mathewson, to close the Public Hearing. Motion passed 6/0/1 by a show of hands, with Commissioner Mercer absent.

Chair Frautschi stated for the record that this property received a Floor Area Exception of 738 additional square feet and they are now asking for an addition 67 square feet. When he did the floor area analysis he determined that there is no prevention or lessening of the floor area inconsistencies, it does not provide for further off-street parking and there is no increase in the building bulk, so there is a negative, a neutral and a positive effect. He added that this area of the City has some of the smallest lots and he does not like to set precedents because it skews future properties. He considers that the granting of a Floor Area Exception is granting an applicant something that all of the neighbors already have; that is not the case in this instance.

MOTION: By Commissioner Mathewson, seconded by Commissioner Mayer, to adopt the Resolution Approving a Floor Area Exception at 2021 Monroe Avenue (Appl. No. 2010-0003).

**Ayes: Mathewson, Mayer, Parsons, Horton, Reed,
Noes: Frautschi
Absent: Mercer**

Motion passed 5/1/1

Chair Frautschi congratulated the owner and noted that the decision may be appealed within 10 calendar days.

5B. PUBLIC HEARING – Zoning Code Amendments

To consider Zone Text Amendments to Sections 12.1 – Purpose, 12.4 – Approval of Uses and Development, 12.9 – Amendment of Detailed Development Plan, 12.10 Development Schedule and 12.12 - Administrative Approvals of Amendments to Detailed Development Plans of the City of Belmont Zoning Code. These revisions will modify required findings for administrative review of Detailed Development Plan Amendments in Planned Development (PD) Zones. (Appl. No. 2010-0012) CEQA Status: Categorical Exemption per Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment.

Applicant: City of Belmont.

Community Development Director: Carlos de Melo- 650-595-7440

CDD de Melo summarized the Staff Report, noting that staff had attempted to capture all of the feedback provided by Commissioners at their meetings of 2/16/10, 3/2/10 and 3/16/10. All meetings had been publicly noticed and no comments from the public had been received.

Prior to this meeting, Commissioner Mercer had suggested that the term “administrative amendments” be capitalized on a consistent basis, and that findings 1 and 2 under Section 12.12.C be combined.

Responding to Commissioner Mathewson, CDD de Melo explained that the differences in square feet mentioned in the findings under 12.12.C were as a result of direction from the Commission.

Chair Frautschi opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Mathewson, seconded by Commissioner Horton, to close the Public Hearing. Motion passed 6/0/1 by a show of hands, with Commissioner Mercer absent.

Chair Frautschi read into the record a number of minor suggested edits. With the consent of the Commission, CDD de Melo will make the changes as recommended by Chair Frautschi and Commissioner Mercer, and will forward the corrected Resolution to City Council for adoption.

MOTION: By Commissioner Horton, seconded by Commissioner Parsons, to adopt the Resolution recommending to the City Council Amendments to Sections 12.1 – Purpose, 12.4 – Approval of Uses and Development, 12.9 – Amendment of Detailed Development Plan, 12-10 – Development Schedule, and 12.12 – Administrative Approvals of Amendments to Detailed Development Plans of Belmont Zoning Ordinance Number 360, as corrected and amended by Commissioner Mercer and Chair Frautschi.

Motion passed 6/0/1 by a show of hands, with Commissioner Mercer absent.

Chair Frautschi thanked CDD de Melo, staff, CA Zafferano and Commissioner Mercer for the efforts they put into this project.

6. ~~REPORTS, STUDIES AND UPDATES:~~

CDD de Melo reported as follows:

6A. ~~Ralston/US-101 Landscape Project~~

~~No update at this time.~~

6B. ~~San Mateo Development – North Road/43rd Avenue~~

~~No update at this time.~~

6C. ~~Parking Study – Downtown Village Areas~~

~~No update at this time.~~

6D. ~~High Speed Train (HST) Project – San Francisco to San Jose~~

~~Belmont will be hosting the Council of Cities dinner meeting the following Friday at Ralston Hall, at which time the High-Speed Rail (HSR) Authority will make a presentation. Also, the 4/27 City Council~~

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO SECTIONS
12.1 – PURPOSE, 12.4 – APPROVAL OF USES AND DEVELOPMENT,
12.9 – AMENDMENT OF DETAILED DEVELOPMENT PLAN, 12.10 – DEVELOPMENT
SCHEDULE, AND 12.12 - ADMINISTRATIVE APPROVALS OF AMENDMENTS TO
DETAILED DEVELOPMENT PLANS OF BELMONT ZONING ORDINANCE NUMBER 360

WHEREAS, on April 20, 2010, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on amendments to Sections 12.1 – Purpose, 12.4 – Approval of Uses and Development, 12.9 – Amendment of Detailed Development Plan, 12.10 – Development Schedule, and 12.12 - Administrative Approvals of Amendments to Detailed Development Plans of the Zoning Ordinance; and,

WHEREAS, the Planning Commission did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

WHEREAS, the Planning Commission hereby adopts the staff report (dated April 20, 2010) and the facts contained therein as its own findings of fact; and,

WHEREAS, the Planning Commission finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment; and,

WHEREAS, the Planning Commission after consideration of all testimony and reports hereby determines that the proposed amendments to Sections 12.1 – Purpose, 12.4 – Approval of Uses and Development, 12.9 – Amendment of Detailed Development Plan, 12.10 – Development Schedule, and 12.12 - Administrative Approvals of Amendments to Detailed Development Plans of the Belmont Zoning Code achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive property/development standards for PD-zoned properties, and support protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the General Community Goals and Policies of the General Plan.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission recommends the City Council amend Section 12.1 (Purpose) of the Belmont Zoning Code:

1. Zoning Code Section 12.1 shall be revised to read as follows:

This district is designed to accommodate various types of development, such as single-family residential developments, multiple housing developments, neighborhood and community shopping centers, mixed-use developments, professional and administrative areas, commercial service centers, industrial parks, and other uses or a combination of uses which can be made appropriately a part of a Planned Unit Development. The district is established to allow flexibility of design, in accordance with the objectives and spirit of the General Plan. This District also provides for Administrative Amendments to Detailed Development Plan Approvals by the Director of Community Development for minor additions/projects provided the findings in Section 12.12 can be made in the affirmative.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council amend an excerpt of Section 12.4 (Approval of Uses and Development) of the Belmont Zoning Code:

2. An excerpt of Zoning Code Section 12.4 shall be revised to read as follows:

A Conditional Use Permit shall be provided for any and all uses, projects, and/or additions in a PD District that require Planning Commission approval. Design Review shall be required for any and all improvements, as determined below:

NOW THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council amend Section 12.9 (Amendment of Detailed Development Plan) of the Belmont Zoning Code:

3. Zoning Code Section 12.9 shall be revised to read as follows:

Amendments to any Detailed Development Plan shall be treated as changes to the CUP and Design Review and considered per Section 12.4. Minor additions/projects may be approved administratively by the Director of Community Development as provided for in Section 12.12 of this Ordinance.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council amend Section 12.10 (Development Schedule) of the Belmont Zoning Code:

4. Zoning Code Section 12.10 shall be revised to read as follows:

An application for a Use Permit in a PD District shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of the project can be expected to begin, the anticipated rate of development, and projected completion date. The development schedule, if approved by the Planning Commission, shall become a part of the Detailed Development Plan and shall be adhered to by the owner of the property in the PD District, and his successors in interest. All projects/developments shall comply with the City's Construction Time Limit Regulations – Municipal Code Chapter 7 - Buildings, Article 14 -- Time Limits for Completion of Construction.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council amend Section 12.12 (Administrative Approvals of Amendments to Detailed Development Plans) of the Belmont Zoning Code:

5. Zoning Code Section 12.12 shall be revised to read as follows:

- A. PURPOSE – The purpose of this section is to provide for streamlined review and approval of Administrative Amendments to Detailed Development Plans (AADDP)

for minor building additions/projects in the PD District as determined by the Director of Community Development.

- B. APPLICATION AND FEE – Plans, a completed application, and a fee are required for an AADDP. In order to fully evaluate the proposed project, other data may be requested by the Director of Community Development.
- C. DIRECTOR OF COMMUNITY DEVELOPMENT REVIEW AND FINDINGS REQUIRED – The Director of Community Development may administratively review and approve building additions/projects in the PD District provided that the following findings are met:
1. For Single Family Residential Planned Developments:
 - the proposed addition does not bring the total floor area on the site in excess of 3,500 square feet.
 - the addition contains no more than 200 square feet at the ground floor only.
 2. For all Multi-Family Residential Planned Developments (including Mixed Use Residential/Commercial) - the addition contains no more than 100 square feet at the ground floor only.
 3. For all Non-Residential Planned Developments - the addition does not exceed 200 square feet, and does not exceed the total floor area permitted under the approved Conceptual Development Plan for the subject property.
 4. For all Residential Planned Developments (including Mixed Use Residential/Commercial) - the addition shall not result in the removal of any protected trees or require excessive grading as described below:
 - 50 or more cubic yards of combined cut/fill, or
 - 500 or more square feet of disturbed site area
 5. For all Non-Residential Planned Developments - the addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 100 or more cubic yards of combined cut/fill, or
 - 1,000 or more square feet of disturbed site area
 6. For all Residential Planned Developments (including Mixed Use Residential/Commercial):

- No Administrative Amendment for the dwelling/unit for an addition has previously been approved and built on the subject property.
 - Any Administrative Amendment previously approved for an addition which has not yet been built, will be null and void upon approval of the current request.
7. The site can reasonably accommodate the proposed addition, the project will not exceed approved Conceptual and Detailed Development Plan standards, and the project is consistent with setback, height, open space, wall/fence, parking/loading facilities, building materials, landscaping, and such other provisions required by the subject Planned Development.
 8. The proposed addition will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.
 9. The proposed addition is compatible with the structure and structures in the general neighborhood, and will minimize disruptions of existing public views.
 10. No other Planning Commission entitlements are required.

D. NOTICE OF ADMINISTRATIVE DECISION AND REQUEST FOR PUBLIC HEARING PROCEDURE – The following procedures shall apply when the Director of Community Development takes action on an Administrative Amendment to a Detailed Development Plan (AADDP):

1. A notice of the intent to approve the AADDP stating the opportunity to file a written appeal shall be sent to the City Council, Planning Commission and the applicant and property owners within a distance of 300 feet from the exterior boundaries of the subject property via U.S. mail at least 10 days prior to such action. Notice to the Council and Commission may be provided by e-mail.
2. The notice shall provide an opportunity to file a written request for a public hearing. Upon receipt of a request for a public hearing, the application shall be set for a hearing by the Planning Commission.
3. The Director of Community Development may refer an application for an Administrative Amendment to a Detailed Development Plan to the Planning Commission upon determination that the request does not meet the administrative standards.

- E. EFFECT – The AADDP approval shall become effective following the 10 day notification period pursuant to 12.12D unless a public hearing is requested. Decisions of the Director of Community Development may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the City Council. Should the item be referred to the Commission by the Director of Community Development, the applicant shall apply for and comply with the Conditional Use Permit and Design Review process for Commission review which includes paying the application fee.
- F. REVOCATION -- An AADDP approval shall be deemed null and void upon a finding by the Planning Commission that the property for which such entitlement/approval has been granted is in violation of any application provisions of this Ordinance, or that there has been failure to comply with any condition or conditions imposed in the granting of the administrative amendment.

* * * * *

I hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Belmont at a regular meeting held on April 20, 2010 by the following vote:

AYES,

COMMISSIONERS: Horton, Parsons, Mayer, Reed, Mathewson, Frautschi

NOES,

COMMISSIONERS: None

ABSENT,

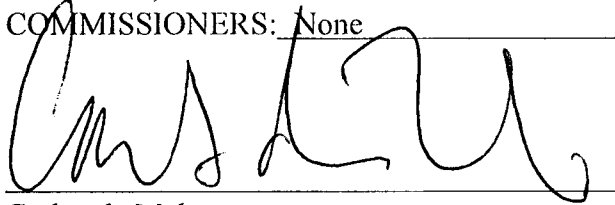
COMMISSIONERS: Mercer

ABSTAIN,

COMMISSIONERS: None

RECUSED,

COMMISSIONERS: None



Carlos de Melo
Planning Commission Secretary

ATTACHMENT III

February 16th, March 2nd, and March 16th 2010 Planning Commission
Meeting Minutes

Zoning: Planned Development (PD) CEQA Status: Categorical Exemption per Section 15303
APPLICANT/OWNER(S): Anthony C. Allison & Elsie M. Eugui
PROJECT PLANNER: Rob Gill; (650) 598-4204

CDD de Melo noted for the record that this item likely will not happen at all because staff has facilitated a working agreement with the property owner and appellant. He anticipates that the appellant will withdraw the appeal of the Community Development Director's decision.

6. STUDY SESSION

6A. Discussion Regarding Belmont Zoning Ordinance Section 12.12 – Administrative Approvals of Amendments to Detailed Development Plans.

CDD de Melo summarized the recommended text amendments provided to the Commission, discussion ensued. Feedback and recommended language changes were provided to staff from the Commission. CDD de Melo stated he would make the recommended changes and bring them back to a future meeting for the entire Planning Commission to review.

7. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

7A. Ralston/US-101 Landscape Project

No report at this time.

7B. San Mateo Development – North Road/43rd Avenue

No report at this time.

7C. Parking Study – Downtown Village Area

No report at this time.

7D. High-Speed Train (HST) Project – San Francisco to San Jose

In early April the City of Belmont will start hosting meetings of the High-Speed Rail Consortium. Responding to Commissioner Parsons questions, CDD de Melo stated that the City has not taken an official position on whether or not it will support the high-speed rail coming up the Peninsula but it has provided feedback about the consideration of all alternative grade levels, and provided a comment letter a year ago outlining what should be studied as part of the EIR. To his knowledge, the City has not taken an official position either for it or against it. Chair Parsons asked if the City has done an analysis of what the benefits are of having a high-speed train totally disrupt the City with construction and noise for years and years and what it will do to local businesses. CA Zafferano responded that the answer to the question is "no" because one of the alternatives for the EIR is a no-build option and that the City is waiting to see what the results of the environmental effects of a no-build option will be compared to the environmental effects of the other options. CDD de Melo further reported that an Alternatives Analysis is due to be released in early March describing the alternatives associated with the possible grade levels of the entire segment from San Francisco to San Jose, and this will provide an opportunity for the City to further comment going forward relative to the EIR.

7E. Emmett House

and is accessory. This is not the street or the public way.” Commissioner Parsons suggested the addition that “gravel or dirt or lawn-paved driveways are not acceptable.”

Section 2.96 – Definition of Parking Space

Commissioner Mercer concurred with Vice Chair Mayer’s earlier observation that code specifications should not be included in the definitions. It could be moved to 8.2.6. CA Zafferano suggesting replacing the wording “toward satisfaction” with “to satisfy.”

Discussion ensued regarding the parking of vehicles on circular driveways and what lot sizes and shapes that could accommodate circular driveways. Commissioner Mercer suggested that the amendment be written so that circular driveways are not permitted unless an exception was approved by the Planning Commission that met certain findings regarding lot size, safety hazards, etc. Commissioners would like to see sketches or pictures of what circular driveways would look like on various lot sizes and shapes. Commissioner Parsons added that encroachment on side yard setbacks at curbs should not be allowed. CDD de Melo will redraft the code to allow for various sized and shaped lots and to include an exceptions process to allow a circular driveway.

Regarding the last two bullet points under 8.2.6, it was agreed that a maximum of 2 curb cuts per property for a sum total not to exceed of 37 lineal feet would be allowed and that reference to paved walkways will be dealt with when they discuss hardscape.

Commissioner Reed raised a question about the City’s authority to monitor how long someone is allowed to park a properly registered vehicle on their own private property. CDD de Melo commented that enforcement would be a concern and it was agreed that if larger lots are required it would not be as much of an issue.

CDD de Melo stated that staff will clean up the language of these amendments and provide sketches of the typical lot. He understood that the standards regarding the lot size, the lot frontage and the setback to the dwelling need to be increased, that a side yard setback will need to be inserted, and that there should be a front landscape requirement.

6. STUDY SESSION

6A. Discussion Regarding Belmont Zoning Ordinance Section 12.12 – Administrative Approvals of Amendments to Detailed Development Plans - *(Continued from 2/16/10 Planning Commission Meeting)*

CDD de Melo summarized the discussion and recommended changes from the 2/16/10 Planning Commission Meeting. Discussion ensued; additional amendments were suggested by the Commission to staff.

CDD de Melo welcomed the Commissions feedback on Section 12.12 and stated such feedback may result in direction towards future Zone Text Amendments.

Addendum to Item 5B

Charles Rinaldi asked to address the Commission with closing comments regarding item 5B. He stated that Escondido is a dead-end street and that no one parks on the street, residents use their garages or their

Mr. Mozayeny returned to the podium to state that part of their dream about this home is to be able to continue to landscape after moving in, and hoped that the additional landscaping can be done over a period of time.

6. OLD BUSINESS

6A. Discussion Regarding Belmont Zoning Ordinance Section 12.12 – Administrative Approvals of Amendments to Detailed Development Plans

CDD de Melo summarized the staff memorandum, explaining how the Administrative Approval of Amendments to Detailed Development Plans (AADDP) would streamline the review and approval process, and answered questions from the Commission. He requested Commissioners forward him emails regarding any typos or cleanup items needing attention in Section 12 before it is finalized, and will submit the entire section, along with the changes to Section 12.12, for review at an upcoming Public Hearing.

7. NEW BUSINESS

7A. Election of the Planning Commission Chair and Vice Chair

Chair Horton asked for nominations for the Chair and Vice Chair positions.

Commissioner Parsons nominated Commissioner Frautschi to the position of Planning Commission Chair. Motion carried 6/0/1 by a show of hands, with Commissioner Frautschi abstaining.

Commissioner Reed was nominated to the position of Vice Chair. Motion carried 6/0/1 by a show of hands, with Commissioner Reed abstaining.

Commissioner Frautschi thanked Chair Horton for her guidance over the past year.

8. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

8A. Ralston/US-101 Landscape Project

The City of Redwood City is applying for a grant to close the funding shortfall. If it is approved, all issues should be covered and Belmont's financial exposure will be limited. All plantings included in the landscape plan that was approved by the Commission will be included in the project.

8B. San Mateo Development – North Road/43rd Avenue

An Encroachment Permit has not yet been received for the neighboring project. Discussion ensued regarding removal of dumpsters, whether they could be moved down behind the building in view of the Fire Department's concern about access, and whether they could be hidden with landscaping or an enclosure. Enforcement letters are being sent and staff is trying to work on a solution with Planet Granite.

8C. Parking Study – Downtown Village Area